

# APPENDIX A

MAY-22-2003(THU) 17:49 SUSMAN GODFREY L.L.P.

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**SUSMAN GODFREY L.L.P.**

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May 22, 2003

**VIA FACSIMILE & FIRST CLASS MAIL**

Brendan T. Mangan  
 Heller Ehrman White & McAuliffe  
 701 Fifth Avenue, Suite 6100  
 Seattle, WA 98104

Re: *Be, Inc. v. Microsoft Corporation*

Dear Brendan:

I write in response to your letter of May 21, 2003, regarding Be Europe documents. I have been informed that Be Europe wound up operations circa April 2001. At that time, contracts, financials, payroll records, personnel files, invoices, and other important files and records were gathered and sent to Be's offices in the United States. This shipment comprised about eight boxes, the responsive contents of which have been produced to you. Copies of some of these files, such as accounting, invoice, and payroll, were retained in France to the extent required by French law. Be Europe's computers were sold at the close of operations, and their contents were not retained. Be does not possess any other documents from Be Europe or concerning Fujitsu that have not been produced to you, except to the extent such documents may be contained in the electronic files Be is in the process of producing. We estimate that the number of such files will be very small, and we will identify them to you when they are produced.

Very truly yours,

James T. Southwick